

# Senate Study Bill 1093 - Introduced

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON FRAISE)

## A BILL FOR

1 An Act authorizing a landlord to bifurcate or amend certain  
2 residential leases.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 562A.27A, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 4. *a.* Notwithstanding section 562A.27  
4 or 648.3, and in lieu of the remedy under subsection 1, if a  
5 tenant or other lawful occupant of a dwelling unit has created  
6 or maintained a threat constituting a clear and present danger  
7 to the health or safety of other tenants, the landlord, the  
8 landlord's employee or agent, or other persons on or within  
9 one thousand feet of the landlord's property, the landlord,  
10 after the service on the tenant of a single three days' written  
11 notice of termination and notice to quit stating the specific  
12 activity causing the clear and present danger, and setting  
13 forth the language of subsection 3 which includes certain  
14 exemption provisions available to the tenant, may do any of the  
15 following:

16 (1) Bifurcate or otherwise divide the rental agreement and  
17 file suit against the tenant who has created or maintained the  
18 threat constituting a clear and present danger for recovery of  
19 possession and termination of the tenant's rights of occupancy  
20 to the dwelling unit. The petition shall state the incident or  
21 incidents giving rise to the notice of termination and notice  
22 to quit. The tenant shall be given the opportunity to contest  
23 the termination in the court proceedings by notice thereof at  
24 least three days prior to the hearing.

25 (2) Amend the rental agreement to terminate the occupancy  
26 rights of the lawful occupant who has created or maintained the  
27 threat constituting a clear and present danger.

28 *b.* Nothing in this subsection shall be construed to  
29 authorize a landlord to terminate or otherwise impair the  
30 occupancy rights of a tenant or other lawful occupant who has  
31 not created or maintained a threat constituting clear and  
32 present danger.

33 EXPLANATION

34 This bill provides that if a tenant or other lawful  
35 occupant of a dwelling unit has created or maintained a threat

1 constituting a clear and present danger to the health or safety  
2 of specified persons, the landlord, upon meeting certain notice  
3 requirements, may either bifurcate or otherwise divide the  
4 rental agreement and file suit against the tenant who has  
5 created or maintained the threat constituting a clear and  
6 present danger for recovery of possession and termination of  
7 the tenant's rights of occupancy or amend the rental agreement  
8 to terminate the occupancy rights of the lawful occupant who  
9 has created or maintained the threat constituting a clear and  
10 present danger.

11 In the case of a landlord filing suit against a tenant under  
12 the bill, the petition shall state the incident or incidents  
13 giving rise to the notice of termination and notice to quit  
14 and the tenant must be given the opportunity to contest the  
15 termination in the court proceedings by notice thereof at least  
16 three days prior to the hearing.

17 The bill also provides that nothing in the bill shall  
18 be construed to authorize a landlord to terminate or  
19 otherwise impair the occupancy rights of a tenant or other  
20 lawful occupant who has not created or maintained a threat  
21 constituting clear and present danger.